

Written evidence submitted by the Children's Commissioner  
Office

**Evidence from the Children's Commissioner's Office to the Education  
Committee's inquiry into home education**

**Introduction**

The Children's Commissioner's Office (CCO) welcomes the Education Committee's inquiry into home education.

The Commissioner has long had concerns that some home educated children may receive insufficient support and that there is little formal oversight of their educational progress or wellbeing. In 2017 our briefing 'Falling through the Gaps in Education'<sup>1</sup> highlighted how little was known about home educated children. In February 2019, CCO published 'Skipping School: Invisible Children',<sup>2</sup> which revealed findings from a survey of 11 local authorities on the number of children being withdrawn into home education over three years from 2015-16 to 2017-18. Across the 9 local authorities which returned complete data, the number of children coming out of school into home education rose by 48% across the three year period. The data also suggested that the practice was concentrated in just a handful of schools: 1 in 10 schools accounted for half of pupils coming off the rolls.

The Commissioner welcomed the Government's commitment to introduce a compulsory register of children in home education and looks forward to it being introduced at the earliest opportunity.

This submission provides new data indicating a continued rise in the number of children being taken out of school into home education. It also presents recommendations on what needs to be done to safeguard home educated children, to provide greater support to their families and to increase children's access to inclusive education within schools.

Many children receive a rich education at home from dedicated parents, where families have made a positive, philosophical choice to home educate. But the number of children who are known to be educated at home has increased year-on-year for the past five years by an average of 20%.<sup>3</sup> It is thought that much of this increase is accounted for by families for whom home education is a last resort – as recognised by the Government itself.<sup>4</sup> Many families have told us how they made the choice to remove their children from

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<sup>1</sup> <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/11/BRIEFING-Falling-through-the-gaps-in-education-CCO.pdf>

<sup>2</sup> <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/cco-skipping-school-invisible-children-feb-2019.pdf>

<sup>3</sup> [https://adcs.org.uk/assets/documentation/ADCS\\_Elective\\_Home\\_Education\\_Survey\\_Analysis\\_FINAL.pdf](https://adcs.org.uk/assets/documentation/ADCS_Elective_Home_Education_Survey_Analysis_FINAL.pdf)

<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791552/EHECfEResponseDocumentv9.4.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791552/EHECfEResponseDocumentv9.4.pdf)

school rolls and into home education as a result of their children's needs going unmet at school – for example, special educational needs (diagnosed or undiagnosed), mental health problems, bullying, social factors or a combination of these. Often families make the decision without knowing what home education entails and receive little support to make a success of it, putting parents under immense strain and children missing out on education.

In some cases, the decision to take children off the school roll appears to have been made for reasons that are in the school's interests, rather than the child's. Sometimes schools actively encourage the removal, in some cases we have been told going as far as providing pro forma letters ready for parents to fill in stating that they wish to home educate. When this happens, it falls under the definition of "off-rolling" and is illegal. Ofsted has increased its focus on potential off-rolling in schools, explicitly referencing off-rolling in its new education inspection framework and stating that schools found to have engaged in the practice will likely be judged inadequate in their Leadership and Management. Some schools have had their overall ratings downgraded as a result. The Children's Minister has also made it clear that off-rolling "never acceptable".<sup>5</sup>

In other cases, we have heard of families who have chosen to remove their children from school in order to go under the radar. A 2018 survey of Directors of Children's Services found that nearly half who responded were aware of tuition centres operating in their area (not all illegally) and over one in ten were aware of unregistered schools.<sup>6</sup>

Later in 2019, CCO repeated our survey nationally, acquiring the same data for every school in the remaining local authorities in England. We shared the data and our analysis thereof with the Department for Education and Ofsted at the start of 2020. We had originally planned to publish the full data including school-level figures in the spring but postponed publication with the outbreak of the Covid-19 pandemic to limit pressure on schools while they responded to the crisis. During the summer the data at local authority level was incorporated into CHLDRN, CCO's online index of childhood vulnerability.<sup>7</sup> This evidence summarises our analysis publicly for the first time.

### **What the data shows us<sup>8</sup>**

*The number of children being taken out of school to be home educated has risen in recent years*

Our data suggests that in the 2017-18 academic year, nearly 25,000 children

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<sup>5</sup> <https://nasen.org.uk/uploads/assets/bebca1a3-fb9e-4e13-801f9f20f79096b0/Vicky-Ford-letter-to-SEND-sector-2nd-Sept-2020.pdf>

<sup>6</sup> [https://adcs.org.uk/assets/documentation/ADCS\\_EHE\\_survey\\_analysis\\_2018\\_FINAL\\_web.pdf](https://adcs.org.uk/assets/documentation/ADCS_EHE_survey_analysis_2018_FINAL_web.pdf)

<sup>7</sup> <https://www.childrenscommissioner.gov.uk/chldrnr/>

<sup>8</sup> Note that the data relates to 2015-16, 2016-17 and 2017-18, and therefore predates the Covid-19 crisis.

were withdrawn from schools in England to be home educated – the equivalent of three children per 1000 pupils.<sup>9</sup>

The data also suggests that the number of children being taken out of school into home education rose by 54% between 2015-16 and 2017-18. This cannot be explained simply by increases in the size of the school population, because as a rate it also increased, from 2 pupils per 1000 to 3 pupils per 1000. This corroborates findings from a survey by ADCS in November 2019 which suggested that the number of children known to be home educated had increased year-on-year for the past five years by an average of 20%.<sup>10</sup>

Since children have returned to school in September there have been concern that more children will be withdrawn from school to be home educated. Local authorities have reported to the CCO and to Department for Education REACT teams an increase in the number of withdrawals since the winter opening of schools in September. Ofsted also found that in a pilot study of 130 schools in September, a third noted an increase in parents taking children out of school into home education. Some local authority practice leads have told CCO that they suspect that some parents have been under the false impression that children educated from home receive remote education support of the kind delivered by schools during the pandemic, which has encouraged a greater number of withdrawals. In several areas council teams had worked with parents who were considering withdrawing their children to consider whether it was the right move and to explore alternatives. They reported that in almost all cases, the children had continued to attend school

*A small number of schools were responsible for the majority of children withdrawn*

The majority of children being taken off the roll into home education came from a minority of schools: in 2017-18, 1% of schools accounted for 15% of the total number of children withdrawn into home education, despite only accounting for 3% of the school population. 5% of schools accounted for over 40% of children withdrawn into home education.

<b>Schools with highest numbers of EHE referrals</b>	<b>% of EHE referrals in 2015/16</b>	<b>% of EHE referrals in 2016/17</b>	<b>% of EHE referrals in 2017/18</b>
<b>Top 1%</b>	15	14	15
<b>Top 5%</b>	41	42	42
<b>Top 10%</b>	60	60	60

<sup>9</sup> This is a conservative estimate as not all local authorities returned data for withdrawn into home education who had previously attended schools outside the local authority.

<sup>10</sup> [https://adcs.org.uk/assets/documentation/ADCS\\_Elective\\_Home\\_Education\\_Survey\\_Analysis\\_FINAL.pdf](https://adcs.org.uk/assets/documentation/ADCS_Elective_Home_Education_Survey_Analysis_FINAL.pdf)

<b>Schools with highest numbers of EHE referrals</b>	<b>% of EHE referrals in 2015/16</b>	<b>% of EHE referrals in 2016/17</b>	<b>% of EHE referrals in 2017/18</b>
<b>Top 20%</b>	83	82	80
<b>Top 25%</b>	89	87	86

In some individual schools the number of children who came off roll into home education was extremely high and raises questions about the circumstances under which they left. 38 schools had more than 20 children leave the roll under the category of home education while 7 schools had more than 30 children leave in this way – the equivalent of an entire class.

The fact that many children come off the school roll into home education from a small group of schools suggests that the school itself is a key factor in that process. It might be that the parents are dissatisfied with the school and share their knowledge about home education as an alternative option. Or it could be that these schools are somehow encouraging, or perhaps even pressuring parents into making the decision to home educate. Our data does not allow us to tease apart these two explanations.

*Certain types of school had more children moving into home education than others*

*i. Secondary schools and Pupil Referral Units (PRUs)*

Withdrawal into home education was around twice as likely among secondary school pupils compared to primary school pupils: in 2017-18, around 4 children per 1000 pupils were withdrawn into home education from secondary schools, whereas only 2 children per 1000 were taken out of primary schools.

Children in PRUs were also more likely to be taken out of school for home education, with 23 children per 1000 withdrawn from these units in 2017-18.<sup>11</sup>

<b>Phase of education</b>	<b>% of EHE referrals in 2017/18</b>	<b>% of school population in 2017/18</b>	<b>Rate of EHE referrals per 1000 pupils in 2017/18</b>
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<sup>11</sup> The high rate of children withdrawn into home education from PRUs should be contextualised with the fact that settings can have very small numbers of children.

<b>Non-maintained special school</b>	<0.1	<0.1	0.85
<b>Pupil referral unit</b>	1.6	0.2	22.67
<b>State-funded primary</b>	39.6	58.2	2.07
<b>State-funded secondary</b>	58	40.1	4.40
<b>State-funded special school</b>	0.8	1.4	1.82

EHE rates are also rising the most rapidly in secondary schools and PRUs: in both there was around a 70% rise in the rate of children being withdrawn between 2015/16 and 2017/18.

*ii. Academies – predominantly sponsor-led academies*

Our data suggests that children were more likely to come off the roll into home education from an academy than from a maintained school. In 2017-18, 2.5 children per 1000 pupils were withdrawn into home education from maintained schools but nearly 4 children per 1000 were withdrawn from academies.

<b>Type of Establishment</b>	<b>% of EHE referrals in 2017/18</b>	<b>% of school population in 2017/18</b>	<b>Rate of EHE referrals per 1000 pupils in 2017/18</b>
<b>Academy</b>	53.80	45.30	3.63
- Sponsor led academy	22.4	12.2	5.62
- Academy converter	30.6	32.6	2.87
<b>Free School</b>	1.80	1.30	4.40
<b>Maintained</b>	44.00	53.20	2.51
<b>Other</b>	0.40	0.30	3.96

Furthermore, academies saw the biggest increases in the rate of children being taken out of school to be home educated over the three year period studied. The rate for academies increased by 96%, whereas for maintained

schools the rate increased by 21%.

However, this difference appears to be in relation to sponsor-led academies, rather than academy converters. The rate of children coming off the roll into home education from academy converter schools was only slightly higher than that from maintained schools (see above table). On the other hand, children were leaving sponsor led academies at nearly twice the rate as the average across all schools, with just under 6 children per 1000 withdrawn from these settings to be home educated in 2017-18.<sup>12</sup>

*iii. Schools performing badly on certain measures*

*a. Poor Ofsted ratings*

On average, the rate of children being taken out of school into home education in schools rated 'Inadequate' in their most recent inspection<sup>13</sup> was twice that of schools rated 'Good', and over three times the rate of schools rated 'Outstanding'.

<b>Overall school Ofsted rating</b>	<b>% of EHE referrals in 2017/18</b>	<b>% of school population in 2017/18</b>	<b>Rate of EHE referrals per 1000 children</b>
<b>Outstanding</b>	12.10	22.80	1.59
<b>Good</b>	60.60	60.80	2.98
<b>Requires Improvement</b>	19.00	12.30	4.60
<b>Inadequate</b>	8.20	4.10	5.96

*b. Poor Progress 8 scores*

Similarly, schools with poor performance according to Progress 8 also accounted for more children moving into home education than would be expected. Schools with negative Progress 8 scores (i.e. where children make less progress than anticipated on the basis of their prior attainment) had roughly double the rate of children being withdrawn, compared to those with average scores of 0 or higher.

*c. High fixed term exclusions*

<sup>12</sup> Note that the data suggests that children are leaving sponsor-led academies at higher rates than maintained schools, even when progress 8 scores and Ofsted ratings are taken into account – see technical report for more detail.

<sup>13</sup> On the date of 31 March 2018

Schools with high fixed term exclusion rates had higher rates of children being withdrawn into home education than schools with lower exclusion levels. Schools in the top 20% based on their fixed term exclusions had on average 5 children withdrawn per 1000 pupils, compared to 2 children withdrawn per 1000 pupils for schools in the bottom 20% of fixed term exclusions.

### **What needs to happen now**

Many parents make a positive choice to home educate their children. This is their right, and they often do an excellent job of doing so.

But children should only be in home education if it is for the right reasons. And it is clear that some children end up in home education because school isn't working for them. In some cases they have been denied the educational and pastoral support they need to thrive at school, leading to delayed educational progress at home, poor mental health and wellbeing and increased familial stress.

Home education is an enormous undertaking for any family, especially those who may have struggled with school themselves. Parents often do not receive the support they need to make an informed choice before making the decision to home educate. Where proper advice and information is available, it is clear to see that most parents choose to keep their children in school.

Furthermore, it is unacceptable that there is currently so little oversight of children being educated at home. Without this, there can be no guarantee that all home educated children are safe and getting the education they need and deserve.

For all this to change, the following are required:

#### *Better safeguarding of children who are not in school*

1. A statutory register of children not in school must be introduced without delay. The Government announced plans to create a register following the publication of the Commissioner's previous report on home education and consulted on its proposals last year. However no Government response has yet been published.
2. Termly visits by council staff to each home educated child to assess the suitability of their education and welfare. This will require additional funding for councils. In October 2019 a Serious Case Review found that there is very little local authorities can do when they suspect problems with a home educated child's welfare or education<sup>14</sup>, yet the Government has said it is not considering strengthening councils'

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<sup>14</sup><http://www.northamptonshirescb.org.uk/assets/legacy/getasset?id=fAAxADUAMQAxAHwAfABUAHIAAdQBIAHwAfAAwAHwA0>

powers to monitor children in home education as part of its upcoming reforms.

*Improved support for home educated children and their families*

3. The Government must deliver on its commitment to introduce a new duty on councils to provide support to home educated children and their families. Councils will need additional funding to make this a reality. The support on offer should include:
  - a. Advice on home education. This should include a mandatory visit within three days after a child is withdrawn from school to ensure that the family is fully aware of the responsibilities they are taking on and provide support to explore alternative options if appropriate. This should be followed by an additional visit after 4-6 weeks to review the experience so far.
  - b. Financial support if needed to help families cover the cost of exams.
4. There should be more sharing of good practice by councils in supporting home educated families – e.g. keeping in touch with families, ensuring close joint working between children’s services and elective home education staff where there are safeguarding concerns, etc.
5. Where a child has been withdrawn from school to be home educated:
  - a. They should have the right to return to their previous school if the family decides that they no longer wish to home educate.
  - b. The school should return the funding that was attached to that pupil back to the local authority, so that it can provide better support for the child’s education at home.

*Increasing children’s access to inclusive education within schools*

6. The Government should ensure that the ongoing SEND review leads to schools and other agencies having enough resources to properly support children with special education needs.
7. The Government’s plans to provide access to a CAMHS-trained counsellor to 20-25% of secondary schools should be expanded to all secondary schools and rolled out as an urgent priority.
8. The Department for Education should centrally collect and publish the number of children coming off roll into home education from every school each year.

9. The process for taking a child off the school roll to be home-educated should be aligned with the process for a permanent exclusion, so that it involves the same level of oversight, and safeguards – including a governors’ panel and independent review panel.
10. Ofsted should, where possible, consult a selection of parents who have withdrawn children from a school into home education, during the course of that school’s inspection.
11. Where schools have high numbers of children moving into home education, Regional Schools Commissioners should work with them to better understand the reasons behind these moves.
12. In the long term, the Government should adopt a new measure of school performance which includes indicators of inclusivity, in addition to pure attainment. These indicators could include the number of children coming off roll (via home education, exclusion, etc) as well as contextualised attainment data. The Children’s Commissioner’s Office is in the process of developing its own measure will publish the results in the coming months.

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